



February 23, 2005: *The Minnesota Fathers & Families Network seeks to increase responsible father involvement in the lives of children by promoting father-friendly state and local policies and programs. See our Public Policy Principles on page 2 of this document. The following bill summary aims to educate readers about proposals that would affect fathers and families. This summary does not endorse any legislation.*

Minnesota Legislature introduces bills that would affect fathers and families

In the Minnesota Legislature, there is no shortage of bills that would affect family law for unmarried or divorcing parents. A number of bills have been proposed in the 2005 session that would affect family law in areas of child support, custody, paternity and related areas. The first such bill, introduced in the House by Rep. Smith on Jan. 20, **HF290**, seeks to expand grandparent visitation rights and mediation provided on behalf of the child.

On Jan. 31, Sen. Neuville and others authored a comprehensive family law bill, **SF0630**, described as follows: "marriage dissolution and child support and custody provisions modifications and recodification; Minnesota Child Support Act." According to the Senator's office, the bill seeks to modify child support guidelines to move toward an income-shares model whereby the incomes of both the custodial and the non-custodial parent are taken into consideration. On Feb. 16, a "clone bill", **SF0987**, was added; clones allow more Senators to sign-on as authors to a given bill.

On Feb. 22, another comprehensive family law bill, **HF1191**, was introduced by Rep. Eastlund and others. Unlike Sen. Neuville's bill, this bill also addresses joint physical custody. The bill proposes "best interests of the child clarified relating to family law, joint legal and physical custody rebuttable presumption established, and child support guidelines provided."

Bill **HF0779**, which would also provide a presumption of joint physical custody (but does not include comprehensive family law provisions), was introduced Feb. 3 by Rep. Mahoney. Under current law, courts use a rebuttable presumption that joint legal custody is in the best interests of the child. This bill adds language that "joint legal *and physical* custody is in the best interests of the child." The bill also adds that "...if the parents fail [to agree on custody or on a parenting plan] the court must use a rebuttable presumption, except as otherwise provided by this subdivision, that upon request of either party joint physical custody involving an equal division of time between the parties is in the best interests of the child."

Another bill to modify child custody presumptions, requirements and procedures, Bill **SF0604**, was introduced in the Senate on Jan. 31 by Sen. Wiger. The bill proposes, "modifying certain presumptions, requirements and procedures affecting child custody; modifying the purposes of juvenile court laws relating to child protection, separating intent relating to cases of no alleged parental abuse from cases of alleged parental abuse; requiring appointed guardians to be learned in family law, requiring the supreme court to adopt rules specifying training and experience requirements; authorizing challenges to guardian ad litem appointments for good cause; prohibiting the court from considering the preference of the parent in placing children in removal cases."

Bill **HF0530**, authored by Rep. Wardlow and others, seeks to modify child support services. The bill was read on Jan. 27 and referred to the Committee on Jobs and Economic Opportunity Policy and Finance. This bill seeks to add language about the eligibility of individuals to receive "non-public assistance" child support. The bill would limit county child support services provided to custodial parents who are not receiving welfare or who are not financially close to receiving welfare.

Rep. Smith is also expected to propose a separate child support services bill, as he has over the past few years.

Bill **HF0576**, seeking to modify the provisions for a presumption of paternity, authored by Reps. Meslow and Simon, was introduced Jan. 31. (Senate companion bill, **SF0751**, was authored by Sen. Betzold and others.) The House bill was referred to the Committee on Civil Law and Elections. These bills propose modifications concerning a presumption of paternity based on blood or genetic testing. Under current law, a man is presumed to be the biological father of a child if: "while the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child." The bill proposes that a man is presumed to be biological father if: "during the first two years of the child's life, he resided in the same household with the child for at least 12 months and openly held out the child as his own."

Sen. Betzold is also the primary author of Bill **SF0644**, described as follows: modifying the procedure for custodial parents moving of children to another state in marriage dissolution cases, requiring the court to apply a best interests standard in considering residence move requests and specifying certain factors to be considered in best interests determination; burden of proof to be on the requesting parent, exception in cases of domestic abuse; authorizing custody order modification upon violation of denied requests. On Jan. 31, the Senate bill was referred to the Committee on Judiciary (House companion bill **HF0761** authored by Rep. Smith and others).

With new bills introduced daily and committee hearings occurring regularly, this information changes quickly. For up-to-date information, check out Minnesota Legislation and Bill Status: www.leg.state.mn.us/leg/legis.asp.



MFFN Public Policy Principles 2004 - 2005

MISSION: The mission of the Minnesota Fathers & Families Network, as a statewide network, is to initiate, promote and support effective programs and to educate on public policy to enhance the responsible involvement of fathers in the lives of children, families and the community.

PUBLIC POLICY GOAL: MFFN seeks to increase responsible father involvement in the lives of children by promoting father-friendly state and local policies and programs.

RATIONALE

Fathers Want to Be Involved: Research demonstrates that fathers overwhelmingly want to be positive figures in the lives of their children. In a study published in 2002, ninety-nine percent of all fathers expressed a desire to be involved in raising their children.¹

Father Involvement Leads to Healthier Children: Research also demonstrates that father involvement helps children to become healthy and well-adjusted adults. Numerous studies demonstrate that “children whose fathers are highly involved with them attain higher levels of education and economic self-sufficiency than children whose fathers are not highly involved.”²

Fathers, Especially Low-Income Men, Face Numerous Barriers to Fatherhood: Unfortunately, fathers cite numerous systemic and personal barriers that discourage them from responsible fatherhood. These barriers include “lack of money, poor relationships with mothers and their families, incarceration and substance abuse and their own lack of involved fathers”.³

Therefore, MFFN seeks to promote policies and programs that encourage – or at least do not undermine – positive father involvement.

Building State Leadership to Support Positive Fathering

MFFN supports the creation of a Minnesota Task Force on Fatherhood to promote greater support for positive father involvement through state agencies. MFFN also supports a review of State of Minnesota programs, policies and initiatives to ensure appropriate father involvement.

Promoting Positive Father Involvement

MFFN supports programs that encourage positive father involvement in pre-school and K-12 educational settings. MFFN supports equal access for fathers in adolescent parent programs and supports the development of coordinated support services in all school districts.

Enhancing Fathers as Economic Providers

MFFN supports training programs for fathers who are unemployed and/or dislocated workers. MFFN supports increases to educational opportunities and access to funding for low-income fathers who are interested in post-secondary degrees or certificate programs. MFFN supports the reduction of employment barriers after incarceration and/or after non-violent, lower-level crimes. MFFN believes the criminal justice system should promote greater options for encouraging successful reintegration of offenders into the workplace.

Strengthening Fathers as Nurturers

MFFN supports programs and legislation that encourage and support fathers as positive, involved role models for their children. As appropriate, MFFN supports parenting classes for new fathers, expanded access and visitation projects, divorce and conflict mediation or counseling, child support guidelines that encourage father involvement and father-friendly workplace policies.

¹ Sara S. McLanahan and Marcia J. Carlson, “Welfare Reform, Fertility and Father Involvement,” Children and Welfare Reform, The Future of Children Volume 12 – No. 1, Winter/Spring 2002.

² Kathleen Mullan Harris, Frank F. Furstenberg and Jeremy K. Marmer. “Parental Involvement with Adolescents in Intact Families: The Influences of Fathers Over the Life Course.” American Sociological Association, New York. 16-20 Aug. 1996

³ Juliane Baron and Kathleen Sylvester, “Expanding the Goals of ‘Responsible Fatherhood’ Policy: Voices from the Field in Four Cities,” Social Policy Action Network and National Practitioners Network for Fathers and Families, December 2002.